



Montana Legislative Services Division
Legal Services Office

TO: State Administration and Veterans' Affairs Interim Committee

FROM: K. Virginia Aldrich

DATE: June 12, 2017

RE: Legislative Administrative Rule Review Report

Pursuant to 5-5-228, MCA, the State Administration and Veterans' Affairs Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the State Administration and Veterans' Affairs Interim Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the State Administration and Veterans' Affairs Interim Committee and does not preclude additional action that may be taken by the State Administration and Veterans' Affairs Interim Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

MAR NOTICE NUMBER: 44-2-225

AGENCY/BOARD: Secretary of State

RULE CLASSIFICATION: (e.g. substantive/interpretive/emergency/temporary): Substantive

SUBJECT: Official versions of the Administrative Rules of Montana and the Montana Administrative Register

NOTICE DESCRIPTION: (e.g. proposal notice/adoption notice): Notice of Public Hearing on Proposed Amendment

SUMMARY OF RULE(S): The Secretary of State proposes to amend one rule and repeal one rule pertaining to the Administrative Rules of Montana (ARM) and the Montana Administrative Register (MAR). The Secretary of State proposes to amend one rule to comport with changes made by Chapter 80, L. 2017, which requires the Secretary of State to publish the ARM and MAR in a freely available electronic format and which eliminated the requirement to send the ARM and its supplements to certain entities without charge. The rule change allows the Secretary of State to discontinue the physical publication of the ARM and MAR, but the Secretary of State will continue to publish them online and make them freely available. The proposed rule will specify that the electronic version is the official version for each publication and will specify the website location of each official online publication. The proposed rule also updates the authority and implementation statutes and makes other minor changes in style.

Section 2-4-302, MCA, requires that a proposal notice state the date and manner in which the primary sponsor was contacted. Although the Secretary of State's notice erroneously states that the "bill sponsor contact requirements of 2-4-302, MCA, do not apply," the Secretary of State has noted that the bill sponsor contact requirements were fulfilled via in-person contact during the session, and the Secretary of State will publish an amended notice that will state that the bill sponsor was contacted in person during the legislative session although the specific date and time of contact were not documented.

The Secretary of State also proposes to repeal one rule currently providing the ARM and MAR Internet locations and provides that the printed versions are the official versions.

NOTES: A public hearing is scheduled for June 15, 2017, at 9:30 a.m. in Room 260, State Capitol Building, Helena, Montana. The public comment period ends on June 23, 2017.

FULL TEXT OF NOTICE: The full text of the notice proposal may be found online at http://www.mtrules.org/gateway/Cycle_Home.asp?CID=2504.

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